REMARKS

Claims 28, 36 to 40 and 42 to 47 are present for purposes of prosecution.

Applicants' invention as claimed in Claim 46 is directed to a method for lowering serum cholesterol or preventing or inhibiting or treating atherosclerosis or reducing risk of or treating a cardiovascular event or disease, coronary artery disease or cerebrovascular disease, which includes the step of administering to a patient in need of treatment a therapeutically effective amount of a pharmaceutical composition formed of a combination of a statin cholesterol lowering agent and aspirin in a single dosage form, which dosage form reduces interaction between the statin and the aspirin. The pharmaceutical composition is in the form of a tablet or capsule containing both aspirin granules and statin granules.

It is submitted that applicants' invention as claimed is patentable over all cited references each taken alone or in any combination.

Claims 28, 41, 44-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Eisman et al. The Examiner contends that

> "Eisman et al teach a method of lowering cholesterol by administration of a combination of an HMG CoA reductase inhibitor and a pharmaceutical which reduces cholesterol other than by inhibiting HMG CoA reductase (abstract), Lovastatin (column 8 lines 56-59) and aspirin (column 13 line 42) are disclosed. Tablets and capsules are disclosed (column 15 line 10). Antioxidants such as ascorbic acid are disclosed (column 15 line 14)."

Eisman et al disclose a method for treating peripheral atherosclerotic disease employing a cholesterol lowering drug such as an HMG CoA reductase inhibitor and optionally a pharmaceutical which reduces serum cholesterol by a mechanism other than inhibiting production of the enzyme HMG CoA reductase.

Examples of HMG CoA reductase inhibitors disclosed by Eisman et al include pravastatin and lovastatin.

Examples of the pharmaceutical which functions other than by inhibiting the enzyme HMG CoA reductase include ACE inhibitors and aspirin, among many others.

The Examiner refers to Column 15, line 10 as disclosing tablets.

In Column 15 starting at line 5, it is indicated that "the combination of the cholesterol lowering drug and/or ACE inhibitor . . . may be incorporated in a conventional dosage form, such as a tablet, capsule, elixir or injectable."

There is no teaching, disclosure or suggestion in Eisman et al of treating a cardiovascular disease or event with a tablet or capsule containing a cholesterol lowering agent and aspirin. Eisman et al teach tablets or capsules containing a cholesterol lowering drug and ACE inhibitor. There is no teaching of any dosage form containing a cholesterol lowering drug and aspirin.

Applicants' invention as claimed defines a method for lowering cholesterol or inhibiting or treating a cardiovascular disease or event by administering a combination of a statin cholesterol lowering agent and aspirin in a single dosage form, which is a tablet or capsule, which dosage form reduces interaction between the statin and aspirin.

There is no disclosure or suggestion of applicants' method as claimed in Eisman et al. In view of the foregoing, it is submitted that Applicants' invention as claimed in Claims 28, 41, 44-47 is patentable over Eisman et al.

Claims 28, 36-47 are rejected under U.S.C. 103(a) as being unpatentable over Eisman et al in view of Eichel et al and Hodges et al.

The Examiner states as follows

"Eisman is discussed above.

"Eichel et al., teach sustained release preparations of aspirin wherein the aspirin is uncoated as well as coated with an enteric coat (abstract). Granular drugs are specified (column 5 line 65).

"Hodges et al., teach enteric-coated pellets (abstract). Pravastatin is specified (table, column 5).

"It would have been obvious to one of ordinary skill to deliver the composition of Eisman et al with the vehicle of Eichel et al., to achieve the beneficial effect of controlled release. As to coating statins as well, Hodges et al., teach such."

It is submitted that Applicants' method as defined in Claims 28, 36-47 is patentable over Eisman et al taken in view of Eichel et al and Hodges et al.

Eisman et al has been discussed above and the comments there set out apply here as well.

Eichel et al disclose a sustained-release formulation containing a core containing a water-soluble drug, such as aspirin, an inner wall microencapsular control coating, and an outer wall enteric coating. The coated aspirin may be placed in either capsules or tablets.

There is no disclosure or suggestion in Eichel et al of a combination of a cholesterol lowering drug and aspirin. Eichel et al only discloses coated aspirin, and does not disclose or suggest lowering cholesterol or treating a cardiovascular disease or event employing a tablet or capsule containing a combination of a cholesterol lowering drug and aspirin.

In view of the above, it is clear that Applicants' method as claimed in Claims 28, 36-40 and 42-47 is patentable over Eichel et al.

Hodges et al discloses an enteric coated formulation which may contain pravastatin and may be in the form of a pellet or tablet.

Hodges et al do not disclose or suggest a combination of a cholesterol lowering drug and aspirin, let alone in a single dosage form as claimed herein.

Accordingly, Hodges is devoid of any teaching or suggestion of Applicants' inventive concept, namely, a method for lowering cholesterol or inhibiting or treating a cardiovascular disease or event employing a combination of a cholesterol lowering drug and aspirin in a single dosage form. Thus, it is clear that Applicants' method as claimed in Claims 28, 36-40 and 42-47 is patentable over Hodges et al.

It is also submitted that Applicants' method as claimed is patentable over a combination of Eisman et al taken in view of Eichel et al and Hodges et al.

Eisman et al does not disclose or suggest a single dosage form such as a tablet or capsule containing a combination of a cholesterol lowering drug and aspirin. Eisman et al only disclose tablets or capsules containing a cholesterol lowering drug and an ACE inhibitor.

Eichel et al only discloses coated aspirin and does not disclose or suggest a combination of aspirin and a cholesterol lowering drug in a single dosage form.

There is no disclosure or suggestion in Eisman et al or Eichel et al that the Eichel et al coated aspirin, or any aspirin for that matter, should be employed together with a cholesterol lowering drug in a single dosage form.

There is no disclosure or suggestion in Eisman et al, Eichel et al or Hodges et al that the Hodges et al coated pravastatin should be employed together with aspirin in a single dosage form.

There is no disclosure or suggestion in the combination of all cited references of a method for lowering cholesterol or inhibiting or treating cardiovascular disease or event employing a combination of a cholesterol lowering drug and aspirin in the same tablet or capsule in a manner to inhibit interaction between the cholesterol lowering drug and the aspirin.

In view of the foregoing it is clear that Applicants' method as claimed which employs a combination of a cholesterol lowering drug and aspirin in the same dosage form which dosage form reduces interaction between the cholesterol lowering drug and aspirin is patentable over Eisman et al taken with Eichel et al and Hodges et al.

Claims 28, 36-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner contends "that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants provide no evidence of "Preventing" in Claim 46."

Claim 46 has been amended to delete "preventing."

The Examiner indicates that item AM (WO 97/38694) on the PTO form 1449 supplied with paper #4 has been lined through because only the odd numbered pages were supplied. A new Information Disclosure Statement is submitted herewith which includes a full copy of WO 97/38694.

In view of the foregoing, it is believed that all formal objections have been overcome and that Claims 28, 36-40 and 42-47 are patentable over the cited combination of references. Accordingly, it is believed that this application is in condition for allowance.

Respectfully submitted,

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Date: September 11, 2003